

App. No. 10/827,148  
Amdt. Dated September 3, 2004  
Reply to Office Action of June 7, 2004  
Atty. Dkt. No. 8638-100

**Amendment to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-3 (withdrawn)

Claims 4, 6 and 7 (canceled)

Claim 5 (currently amended): A device according to claim ~~[[4]]~~ 8, wherein said shallow slot is generally semicircular and slightly greater than 180°.

Claim 8 (currently amended): A device for setting a golf ball and tee, comprising:

a tubular shaft;

a ball and tee receiving member disposed at the bottom end portion of said shaft;

a ball engageable member disposed at the lower end portion of said shaft for pressing the ball against the tee when the ball is received by the receiving member;

said receiving member having a tee engageable member having a shallow slot opening radially in a direction to receive the tee within the slot;

a hand engageable lever actuator extending radially from the upper end portion of said shaft in an opposite direction to the opening of said slot for actuating the moveable ball engageable member to cause it to move away from the ball;

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a said C-shaped member having a massive portion disposed substantially below and substantially opposite the actuator to cause the center of gravity of the device to be disposed offset from said shaft and said slot so that when the device is held by the radial actuator and the ball engageable member retracts away from the ball, the receiving member tends to swing away from the tee to disengage the tee from the shallow slot;

wherein said actuator includes a pair of radial handles;

wherein one of said handles is fixed to said shaft, and the other one of said handles is moveably mounted relative to the fixed handle; and

wherein said ball engageable member includes a rod moveably mounted within said tubular shaft and fixed at its top end portion to the moveable handle.

Claim 9 (original): A device according to claim 8, wherein said moveable handle includes a groove for receiving the top end of said rod.

Claim 10 (currently amended): A device according to claim [[4]] 8, wherein said receiving member is generally C-shaped.

Claim 11 (original): A device according to claim 10, wherein the C-shaped receiving member includes a pair of spaced-apart arms.